

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUDY TELLEZ,

Plaintiff,

v.

K. HIXON, et al.,

Defendants.

No. 1:24-cv-00402 GSA (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

ORDER RECOMMENDING MATTER BE
DISMISSED FOR FAILURE TO FILE
NOTICE OF CURRENT ADDRESS WITH
COURT

PLAINTIFF'S OBJECTIONS DUE IN
FOURTEEN DAYS

Plaintiff, who may now be a former state prisoner¹, is proceeding pro se and in forma pauperis and has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 23, 2024, an order issued by the Court and served on Plaintiff was returned to it marked "Undeliverable, Return to Sender, Attempted – Not Known, Unable to Forward,

¹ The Court takes judicial notice of the fact that a search for Plaintiff's name and inmate number on the California Department of Corrections and Rehabilitation website led to "not found" results. See California Department of Corrections and Rehabilitation California Incarcerated Records and Information Search (CIRIS), <https://ciris.mt.cdcr.ca.gov/search> (last visited September 25, 2024).

1 Inactive.” Since then, more than sixty-three days have passed and Plaintiff has not filed a notice
2 of change of address with the Court. See Local Rule 183(b).

3 Although Plaintiff’s copy of the order was returned, he was properly served. It is a
4 plaintiff’s responsibility to keep the Court apprised of his current address at all times. See Local
5 Rule 183(b). Moreover, pursuant to Local Rule 182(f), service of documents at the record
6 address of the party is fully effective.

7 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a
8 District Judge to this matter.

9 IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice for
10 failure to file a notice of current address with the Court.

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen days**
13 after being served with these findings and recommendations, Plaintiff may file written objections
14 with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings
15 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
16 time waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
17 Cir. 1991).

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20 IT IS SO ORDERED.

21 Dated: September 29, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE